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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,356	01/30/2004	Jared J. Robert	JR03-01	8324

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EXAMINER

COMPTON, ERIC B

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/769,356

Applicant(s)

ROBERT, JARED J.

Examiner

Eric B. Compton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7, 10, 12, 15, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/21962 to West.

Regarding claims 1 and 20, West discloses a method of manufacturing jewelry, e.g., a finger ring from sintered material comprising:

placing an annular blank (20) of sintered material (see table, pages 9-10, e.g., tungsten carbide) in a spinning fixture, see Figure 3;

abrading the annular blank against at least one curved abrasive surface so that the annular blank acquired a curved surface about its circumference, see Figure 3.

Regarding claim 2, see Figure 5.

Regarding claims 3, 7, 10, 15, 17, the reference states, "Generally, the metal wire 150 is soldered or welded to form a joint-less metal ring 290 (or otherwise

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fabricating or machining to form a seamless metal ring or other article) that is squeezed or swaged onto a sintered substrate 120." Page 20, lines 18-21.

Regarding claims 4 and 12, the reference states, "once the several components are in fact combined, the entire assembly can be finished and polished to complete manufacture of the ring or other article of jewelry." Page 12, lines 15-17. Burnishing is essentially a polishing procedure.

3. Claims 1-7, 10, 12-15, 17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,928,734 to West.

Regarding claims 1 and 20, West discloses a method of manufacturing jewelry, e.g., a finger ring from sintered material comprising:

placing an annular blank (20) of sintered material (see Cols 4-5, table, e.g., tungsten carbide) in a spinning fixture, see Figure 3;

abrading the annular blank against at least one curved abrasive surface so that the annular blank acquired a curved surface about its circumference, see Figure 3.

Regarding claim 2, see Figure 5.

Regarding claims 3, 7, 10, 15, 17, the reference states, "Generally, the metal wire 150 is soldered or welded to form a joint-less metal ring 290 (or otherwise fabricating or machining to form a seamless metal ring or other article) that is squeezed or swaged onto a sintered substrate 120." Col. 19, lines 54-57.

Regarding claims 4 and 12, the reference states, "once the several components are in fact combined, the entire assembly can be finished and polished to complete

manufacture of the ring or other article of jewelry." Col. 9, lines 28-30. Burnishing is essentially a polishing procedure.

Regarding claims 5-6, and 13-14, the reference states "Alternately, metal wire 150 or the metal in another form (such as for example, in the form of a band or bar) may be placed in the groove 215 by other means or procedure, such as wrapping the wire into or around the groove, by squeezing a metal material into the groove, by hammering or swaging the metal into the groove, or by any other mechanical or other means." Col. 18, lines 46-51.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 16, and 18 and are rejected under 35 U.S.C. 103(a) as being unpatentable over West (either '962 or '734) in view of JP 2119801 to Tanigawa.

West discloses securing a wire/strip inlay into a groove on the annular blank. However, the reference does not disclose forming an undercut in the annualr blank.

Tanigawa discloses a method for forming jewelry in which an undercut is formed in a groove (2) on the jewelry piece (1), an inlay (3) is placed in the groove, and the inlay (3) is swaged to secure it into the groove.

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Regarding claims 8, 16, and 18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have formed an undercut in the groove on West, in light of the teachings of Tanigawa, in order to secure the inlay into the groove.

6. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over West (either '962 or '734) in view of US Pat. 5,427,826 to Iida.

West discloses the invention cited above. However, the reference does not disclose providing a thin film.

Iida discloses a method and procedure for providing a thin film coating for protecting jewelry. See Col. 3, lines 40-52. In particular, using a chemical vapor deposition (CVD) process, a superhard carbonaceous (diamond like carbon) thin film coating can be applied.

Regarding claims 9 and 19, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the annular member of West with a thin coating of a diamond like carbon, in light of the teachings of Iida, to increase the wear resistance of the jewelry.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over West (either '962 or '734) in view of US Pre-Grant Pub. 2002/0166847 to Lacchetti et al.

West discloses electron beam welding. However, the reference does not teach laser welding.

Lacchetti discloses laser-welding equipment for jewelry applications. Laser welding is known for its high precision. See e.g., [0004].

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Regarding claim 11, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have welding the loop of previous metal of West by laser welding, in light of the teachings of Lacchetti, order to provide high precision welds.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (571) 272-4527. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Eric B. Compton

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Primary Examiner
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ebc